

THE BOARD OF EDUCATION OF SALT LAKE CITY SCHOOL DISTRICT

Board Business Meeting
and Closed Executive Session

March 4, 2014

The Board of Education of Salt Lake City School District met in a Board Business Meeting and Closed Executive Session at 5:30 p.m. on Tuesday, March 4, 2014, in the Board Room of the Administration Building, 440 East 100 South, Salt Lake City, Utah.

ROLL CALL

Members Present: President Kristi Swett, Vice President Heather Bennett, J. Michael Clára, Rosemary Emery, Dr. Douglas Nelson, Tiffany Sandberg, and Lavenita Vaitai, Student Member.

Members Excused: Laurel H. Young.

Also Present: Superintendent McKell Withers; Janet Roberts, Business Administrator; Patrick Garcia, Associate Superintendent School Support; Craig Ruesch, Interim Executive Director Human Resources; Kristina Kindl, Director of Policy and Legal Services; Kenneth Grover, Director Career & Technology Education and High School Support; Byron Garritson, Director of Human Resources; Michael Williams, Director of Development and External Relations; West High School Principal, Parley Jacobs, West High School Assistant Principals Gene Bonella, Ken DeVries, Christine Pittam, and Mary Margaret Williams; Susan McFarland, President, Salt Lake Teachers Association; Ricky Martinez, President, Buildings & Grounds Employee Association; Janet Clark, representing the Child Nutrition Employees Association; Sharon Grey, President, Salt Lake Educational Office Personnel Association; Robyn Hough, Board Vice Chair, Salt Lake School for the Performing Arts; Lisa Schencker, *Salt Lake Tribune*; Allison Sisam, Business Administration Office; and others in the audience.

In accordance with the agenda prepared for the Board Business Meeting of March 4, 2014, six motions were made. Items are reported as listed in the agenda and not necessarily in the order they were considered.

The meeting was called to order by President Swett, who presided.

1. CLOSED EXECUTIVE SESSION

At 5:30 p.m. a motion was made, after which members excused the audience and remained in the board room:

*(1) That the board meet in Closed Executive Session to consider litigation, negotiations, personnel, and property items.

** (Emery and Sandberg)

Present for Closed Session were Kristi Swett, Heather Bennett, J. Michael Clára, Rosemary Emery, Dr. Douglas Nelson, Tiffany Sandberg, McKell Withers, Janet Roberts, Patrick Garcia, Kristina Kindl, and John Robson, the board's legal counsel from Fabian Attorneys at Law.

Board members adjourned from the Closed Executive Session at 6:17 p.m. and returned to the Board Business Meeting at 6:30 p.m.

2. BOARD BUSINESS MEETING

- President Swett welcomed everyone in the audience. She excused Board member Laurel Young and recognized the presence of Susan McFarland, President, Salt Lake Teachers Association; Ricky Martinez, President, Buildings & Grounds Employee Association; Janet Clark, representing the Child Nutrition Employees Association; and Sharon Grey, President, Salt Lake Educational Office Personnel Association. Later in the meeting, she also recognized Robyn Hough, Board Vice Chair for the Salt Lake School for the Performing Arts.
- Byron Garrison led the audience in reciting the Pledge of Allegiance to the Flag.
- Update on School Lunch Investigations. President Swett told board members the School Lunch Investigation update was placed at the beginning of the meeting so parents would not have to wait until the end of the meeting. In response to requests from parents, she provided an email and postal address where additional comments and questions could be sent. In addition, a link will be added to the Uintah Elementary School website providing the address information. She said in an effort to move forward, all comments and questions should be submitted by 5:00 p.m. on Tuesday, March 11, so they can be turned over to the investigator.

Vice President Bennett told the audience the Salt Lake City School District and the Board of Education want to again publically take responsibility for the actions of any Child Nutrition employees, for any failures or omissions in policies and procedures that contributed to the events that unfolded at Uintah Elementary School on January 28, and to ensure that nothing like this ever happens again in the Salt Lake City School District. She said changes in policies and procedures have been put into place. In addition, an internal investigation conducted by Human Resources has resulted in several actions to date, and it is now, and always has been, the policy of the board not to comment on the specifics of personnel issues.

Vice President Bennett said she and President Swett met with a partner at Squire & Company regarding an external investigation. After a brief review of all of the materials collected to date, Squire told them they would be comfortable and willing to conduct an investigation of the financial information, the cash accounting methods, the policies and procedures, and compliance to adhere to those policies and procedures. Upon their completion of the investigation they would be willing to come to the board and present their findings at a public meeting. If the investigation is focused on Uintah and Wasatch Elementary Schools, Squire

VOTE RECORD	AYE	NAY	ABSENT
BENNETT	X		
CLÁRA	1, 2 & 5	4 & 6	
EMERY	1, 2, 4 & 5	6	
NELSON	X		
SWETT	X		
SANDBERG	X		
YOUNG	X		
A Absent	Ab Abstention	F Failed	
N "No" Vote	NA No Action	T Tabled	
W Withdrawn	*Unanimous Approval		
**Members Making Motion			

estimates the cost to be between \$5,000 and \$7,000. If the board wishes to expand the investigation further, costs would be higher. She also said Squire declined to investigate the personnel piece, as it falls outside their area of expertise. She asked board members how they would like to proceed.

Board members discussed the matter, including the rationale for an external investigation. Board members spoke of the familiarity Squire has with the district's finances, noting they have conducted the district's audit for a number of years, and discussed whether to move forward and have Squire do the pieces they are able to do. The question was raised whether there are companies who could conduct both pieces, or if they were different enough that two different types of investigations would be required. It was stated by one board member that patrons have a greater concern over the actions of employees that allowed this to happen to children than they are over the financial issue. It was also noted that patrons of Uintah Elementary School have asked for an investigation of the policies and procedures, and how MyPayments Plus was introduced and integrated into those policies and procedures, which is something that would fall into the scope of the investigation that Squire could do within a relatively short time frame.

Vice President Bennett continued the discussion of the personnel piece by saying the board could choose to move forward and hear the report from the internal investigation and/or move to hire an external investigator and turn over all of the information that has been gathered to date, including all the concerns and comments that have been submitted. The individual or firm chosen would in turn determine what additional information they required, including additional interviews, etc. Upon completion of their investigation they would present their findings in a Closed Executive Session. She noted they have begun to collect names of those who have done or could do this type of investigation.

*(2) A motion was made that the Board of Education send out an RFP for an external investigation of the "personnel piece" of what happened in the School Lunch Program that resulted in lunches being taken from students at Uintah Elementary School.

** (Clára and Emery)

^E(3) A motion was made to amend Motion #2 that the RFP include a limit of \$49,999. The motion failed due to lack of a second.

** (Clára)

Prior to voting on the motion, board members discussed the matter. Concern was expressed over the additional time and the hope that patrons will be patient while conducting an external investigation. It was noted that the use of Squire for the financial piece and a different source for the personnel piece would be helpful to speed up the timeline. There was a question raised as to the need for an external investigation. The consensus was made in light of the feelings of distrust, questions that have been raised, and issues that surfaced as a result of the investigation, that an outside investigation would provide validity to the findings.

^N(4) A motion was made that the Board of Education hire Squire & Company to conduct an audit of the financial aspects of the Lunch Program at Uintah and Wasatch Elementary Schools and the

policies and procedures of the program district wide. Approval was given to the motion on a vote of 5 to 1 with Mr. Clára voting “no”.

** (Nelson and Emery)

Board members briefly discussed the motion. It was noted the policies and procedures are district wide and if it is determined they are weak, they would be weak district wide. It was also noted if issues are found at Uintah and Wasatch the board could expand the investigation to include other schools. Mr. Clára stated his belief the investigation should be district wide and said he would be voting against the motion for that reason.

Following approval of the motions, President Swett asked the Superintendent to have staff move forward with the RFP for an external investigation of the personnel piece and to contact Squire & Company and move forward with the investigation of the financial aspects of the Lunch Program at Uintah and Wasatch and the policies and procedures. The Superintendent said he would have Purchasing draft an RFP for an investigation, the draft will be sent to board members for comments, revised, and then sent out publically.

The board briefly discussed how best to move forward to answer patrons questions that do not require an investigation. Consensus was given to schedule a Special Study Session for Wednesday, March 12, from 4:30 to 5:30 p.m. to answer those questions.

Mr. Clára distributed a copy of his GRAMA Request regarding the Public Relations Firm, including the district’s response and two articles that appeared in the Salt Lake Tribune. A copy has been added to the official minutes. He urged the board strive for transparency in all their dealings and that all board members be included in decisions.

A. CONSENT AGENDA

*(5) Approval was given to five items, and four policies, included in the Consent Agenda. These items are listed below. Policy P-7, Searches and Inspections was moved to the Action Agenda.

** (Sandberg and Nelson)

1. The Purchasing/Accounting Report, included a breakdown of items costing over and under \$50,000, increases to existing purchase orders, a payment voucher report that includes travel and professional expenditures, and the Budget Report for January, 2014.
2. The Human Resources Department Report, included new contract employment for one employee, changes for three, and releases for one.
3. Minutes of the Board Business Meeting held February 4, 2014.
4. Minutes of the Board Study Session held February 18, 2014.
5. 2014-15 Student Fee Schedule.
6. Board Policies
 - a. Policy C-2, Visitors to the School
 - b. Policy F-3, Conference Attendance and Expense Reimbursement

- c. Policy P-1, Ethical Standards
- d. Policy P-6, Alcohol, Tobacco, or Controlled Substances
- e. Policy P-7, Searches and Inspections – *This item was moved to the Action Agenda.*

B. REQUESTS TO SPEAK

President Swett told the audience that due to the number of individuals requesting to speak to the board, the rules had been suspended so the board could hear from everyone who called. She said individual patrons would be given three minutes, and she briefly read from “Public Comment during Board Business Meetings” as outlined in the Administrative Procedures for Board Policy B-2, School Board Meetings.

1. Erick Olivas, East High School Junior and Eagle Scout candidate, addressed the board on his Eagle Scout Project. He thanked the Superintendent and Board President for inviting him to speak tonight to present his request that Parkview Elementary School be renamed in honor of Army Sergeant Rocky Herrera. He briefly recounted Sgt. Herrera’s story and sacrifice to the country. He told board members Sgt. Herrera had attended Parkview Elementary School and graduated from West High school. He spoke of the contributions the Herrera family has made to the community, and the significance this change would have to the community in recognizing one of their own community members. He outlined the steps he followed including obtaining the support of leaders within the Parkview community, speaking before the Parkview School Community Council and the Glendale Community Council, and obtaining a large number of signatures on a petition to rename the school. He presented the petition to the board. President Swett accepted the petition and said the request would be forwarded to the Parkview Principal to convene a committee for input. The committee will include the School Community Council with broad based representation from the school. The committee will then make a recommendation back to the board regarding the renaming of the school.
2. Jennifer Sanchez addressed the board on the requested Parkview Name Change. She told the board she was the reporter who covered Army Sergeant Rocky Herrera’s story. She said 84% of the students at Parkview are students of color. The Herrera family has a long lineage in Utah and of community service in the Parkview area. She said Sgt. Herrera was a role model, and it would be a fitting tribute to honor the Herrera family for everything they have done for the community. She expressed her support for the name change.
3. Duane Padilla, patron, addressed the board on the Parkview Name Change. On behalf of the Herrera family he said they are touched at the positive reception the proposed name change has received. He said Rocky was a role model for the youth in the area and it would be tremendous for the students in the area to have one of their own to look up to. He thanked the board for listening to Erick Olivas’s request and for their time.
4. Paul Chaves, West High Patron, addressed the board on West High School. He expressed his concern over events occurring within the West High School sports programs and Principal Jacobs lack of solving the problems or even addressing them. He called for the Superintendent to stop protecting the wrong-doing at West High School. He distributed a copy of an email he sent to board members. A copy has been added to the official minutes.

5. Kevin Conway, Uintah parent, addressed the board on the Internal/External Investigation of the School Lunch Program. He thanked the board for the discussion held earlier. He said it is now 35 days since this occurred. He said more glaring than the actions taken have been the head shaking, placing individuals on administrative leave, and bringing them back to a hostile environment. He questioned who the board is looking out for, the students or the administration. He said there is an air of mistrust and actions have bordered on neglect. He said he feels the District, the Superintendent, and many of the board have failed the Uintah Community.
6. Erica Lukes, Uintah parent, addressed the board on the Internal/External Investigation of the School Lunch Program. She said it has been 35 days and there are more questions than answers. She told the board she feels most of them are out of touch with parents and students, and she questioned whether they have the best interests of students in mind. She said she has been the target of attacks and has received threatening letters at her place of business. She said she hopes the board realizes what they have done and said they have not protected the children of the district.
7. Ashley Hoopes, Uintah parent, addressed the board on the Internal/External Investigation of the School Lunch Program. She expressed appreciation that the board is continuing to get answers and that an external investigation will be done. She said the Uintah Community is willing to wait as long as they are given a clear timeline for the investigation and assurances are given that no lunch workers will be terminated, harassed, or in fear of losing their jobs. She expressed her feelings that there could be no better lunch worker than the one they have at Uintah, and the community wants trustworthy workers, transparency, and accountability by the district.
8. Annie Payne, Uintah parent, addressed the board on the Internal/External Investigation of the School Lunch Program. She said she feels Board Member Clára speaks for her and she thanked Board Member Emery for teaching her math. She said she could not adequately express her issues in three minutes. She has lost her faith and trust in the Child Nutrition administrator and asked the board to investigate the administrator specifically. She said if the USDA comes in to investigate, funding could be lost and the decisions will no longer be in the board's hands.
9. Matthew Rich, Uintah parent, addressed the board on the Internal/External Investigation of the School Lunch Program. He expressed appreciation for their discussions earlier, said at least they are beginning to make efforts to provide answers, and expressed dismay and frustration that it has taken 35 days. He said the apology is insignificant, the community needs more than that, they need to understand what happened. In closing, he asked what happens to the questions that are not answered or not addressed once the investigation is complete.
10. Jessica Guynn, Uintah parent, addressed the board on the Internal/External Investigation of the School Lunch Program. She thanked board members for sharing their time and services. She offered the following piece of advice – where there is accountability, it is much easier to forgive. She noted her daughter did have her lunch taken, she has moved on. She said the community is anxious to move on, the missing piece is accountability. She said the finger of blame has been placed on a bad procedure, but at what point does someone become accountable for following a bad procedure.

C. REPORTS

1. Highlights from School Improvement Plans.

a. West High School. Parley Jacobs, West High School Principal, provided the board with a report on West High School. He introduced, David Galvan, School Community Council chair, and Assistant Principals Christine Pittam, Gene Bonella, Ken DeVries, and Mary Margaret Williams, who were present to help with the report.

Principal Jacobs briefly updated board members on the increases in proficiency at West High. He noted math is a concern, with proficiency up for some students and down for others, and noted they are greatly concerned with the special education and LEP math scores. He said West is closing the achievement gap slowly, but it needs to be closed quicker. He reported West is experiencing a slight drop in enrollment. Seventy percent of students qualify for free and reduced lunch and students come from diverse backgrounds and cultures. He told board members West is focusing on 9th grade students. They want them to feel like they belong to the school, and he noted it is critical for them to be connected. He reported West has been accepted by the IB Program to add a Career Pathway. He said in order to increase achievement for all students they are looking at each individual student. If they are learning, efforts are made to enrich that learning, and if they are struggling, they are looking to see what can be done immediately to reteach and reconnect with them. He said every person at the school has a connection with the students and is involved in helping students achieve. He expressed his appreciation to Kathleen Christy and to all the district coaches for their help.

Mr. Bonella expanded on the 9th grade program. He said it is West's goal to make a connection with all incoming 9th grade students. Students were invited to a luncheon and given a backpack. He said the school wants to make sure each student has a tie-in with teachers, and feel it is making a difference. He said 9th grade attendance is being tracked very closely and the school is trying to work closely with parents. Mary Margaret Williams said the 9th grade is where they will either keep or lose students. Board members expressed their appreciation for the program, noting instances they know of personally where it has made a difference.

Following the report they answered questions from the board. Their efforts to reduce teacher loads in math, English, and science was noted and they also told board members the IB Program at West had not decreased in numbers with the addition of a program at Highland. President Swett thanked them for the report and for all their efforts to help students. A copy of the West High School Report has been added to the official minutes.

D. DISCUSSION AGENDA

1. Board Policy C-6, Community Donations, Contributions, and Gifts. Superintendent Withers said due to the significant changes proposed by the policy subcommittee, Policy C-6, Community Donations, Contribution, and Gifts was on the agenda for discussion.

Kristina Kindl updated board members on the proposed changes to the policy. She said the proposed changes will provide more protection for the board by including language which specifically states the Development and External Relations Department and the Salt Lake

Education Foundation are the only officially recognized entities authorized to receive donations on behalf of the school district and its schools. She noted the policy does not prohibit booster clubs, PTA's, etc. from collecting funds for a school, but it does provide for official entities authorized to accept donations for the district and schools thus ensuring proper accounting, receipting, and compliance with all applicable state and federal laws, and district policies. Consensus was given to placing Policy C-6, on the Consent Agenda at the April 1 Board Business Meeting.

2. Budget Development. Janet Roberts called the board's attention to the two handouts that had been added to their Annual Budget Development binder under the tab for tonight's meeting. She briefly went through each of the handouts. The first handout is entitled "General Education Standard Allocation – Proposed" which outlines the proposed allocation for the 2014-15 Fiscal Year. The second handout is entitled "Proposed Board Distributed Student Achievement, Title I, Title III, and Trust LAND Funds." She said this handout lists the projected allocations for each school. She said the basis for the allocations are the same as last year with differences in allocations to schools due to changes in estimated ADM. She noted the allocations to schools will be adjusted once the October enrollment is complete. She told the board these allocations will be shared with the schools so they can work on their School Improvement and LAND Trust Plans. In response to a question from the board about whether the formulas should be looked at for this year, Ms. Roberts said the one thought she had while working on the allocations was for years kindergarten students have been counted as .5 and since every school in the district has at least one full day kindergarten that is something the district might want to look at in the future. A copy of the handouts have been added to the official minutes.

E. ACTION AGENDA

1. Item transferred from the Consent Agenda.

Policy P-7, Searches and Inspections. Board member Emery said she had requested Policy P-7, Searches and Inspections, be moved from the Consent Agenda to the Action Agenda because she was concerned with the inspection of personal items.

Ⓝ(6) A motion was made that the Board approve Policy P-7, Searches and Inspections as outlined in Exhibit A6e. Approval was given to the motion on a vote of 4 to 2 with Ms. Emery and Mr. Clára voting "no".

** (Nelson and Sandberg)

Prior to voting on the motion, board members discussed Policy P-7. Ms. Emery provided board members with her rationale for wanting a discussion on the policy. She said she did not think the district should expect employees to give up these civil liberties of having personal property searched. She said she disagrees with how invasive the policy is and feels it is way over the scope of what a normal job would allow. Ms. Kindl noted that any search must have a reasonable suspicion. She said the policy complies with all laws and is in line with other school districts' policies. She told the board some of the concerns raised by Ms. Emery could be addressed within Administrative Procedures for the policy.

Board Member Clára raised a Point of Order. He questioned whether the board can make a decision on an item that is not on the Agenda. He said he was referencing the decision to send the request from

Erick Olivas to rename Parkview Elementary School to Rocky Herrera Elementary to the Parkview Principal to convene a community based committee. He distributed a copy of a letter he sent via email to President Swett requesting the issue of renaming Parkview Elementary be placed on the March 4, 2014, School Board meeting agenda and the ensuing email thread. A copy has been added to the official minutes. He said that is why he had wanted the item placed on the board agenda so it could be moved forward in the renaming process and sent to the school.

He asked for a ruling on whether the decision to send it to the school could be done without being on the agenda. Kristina Kindl told the board her interpretation would be the item did not need to be on the agenda as an Action Item in order to send it to the school for consideration. Mr. Clára requested that John Robson, the district's legal counsel, also be consulted on the matter.

F. SUPERINTENDENT'S REPORT

1. Miscellaneous Updates:

New Laws and Priority Legislation. Superintendent Withers distributed the following handouts to the board. Copies have been added to the official minutes.

- School Technology Working Group – Report to the Governor.
- Legislative Tracking Sheet dated March 3, 2014.
- Revenue Estimates – February 2014.
- Listing of priority bills the district is focusing on the last two weeks of the legislative session.
- Public School Alert: SB202 Charter School Funding Amendments.

2. Other Reports. Ms. Emery reported on a meeting being held by the East Central Community Council at the McGillis School on Thursday, March 13, to talk about the plume coming down from the Veterans Administration Building. She said the impact to the neighborhood is great and asked about the possibility of disseminating an announcement of the meeting using the district's email to the East High School community. Superintendent Withers asked her to forward the information to him and he will see what can be done.

G. ADJOURNMENT

Following a motion by Ms. Emery, seconded by Ms. Sandberg, the meeting was adjourned at 9:17 p.m.

Janet M. Roberts
Business Administrator

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